

REMARKS/ARGUMENTS

Applicant thanks the Examiner for the thoroughness of the April 2, 2008 Office Action. Claims 1 – 20 are pending in the application.

The Examiner has objected to the drawings under 37 CFR 1.83(a), because the limitations of claims 15, 17, and 18 are not shown in the drawings. Applicant has cancelled claim 15. With respect to claims 17 and 18, Applicant respectfully traverses the objection. With respect to claims 17 and 18, Figs. 1 and 2 illustrate the claimed lateral port means as shown by reference numbers 56 and 156, respectively. Because the claimed elements are shown in the drawings, applicant requests that the objection be withdrawn.

Claims 17, and 18 are rejected under 35 U.S.C. 112 first paragraph as failing to comply with the enablement requirement. Applicant respectfully traverses the rejection. For example, as described in the specification at page 9, lines 12-13, rebound is adjustable by axial movement of internal end cap 170 in chamber 124, utilizing rod 172, to restrict flow through ports 156. As may be readily seen with respect to FIG. 2, the axial movement of internal end cap 170 within the chamber 124, will position the internal end cap 170 to a position where it will restrict the flow of fluid through the ports 156. Accordingly, applicant respectfully requests that the rejection under 35 U.S.C. § 112 first paragraph be withdrawn.

Claims 1-10, 14-19 stand rejected under 35 U.S.C. §103(a) as being unpatentable over AU2003203440 (AU'440) in view of Thornhill '160 and Bourcier De Carbon '898. Applicant has amended claim 1 to more particularly point out the claimed invention.

Applicant further submits that valve arrangement at 38, 41 in Thornhill is a one-way valve, and not a two-way valve, such that the valve arrangement 38, 41 disclosed by Thornhill is operable to provide dampened fluid flow rates only during the compression stroke and not on the


rebound stroke. Accordingly, the reference to Thornhill cannot be reasonably combined with the AU '440 reference to teach applicant's claimed invention.

Similarly the reference to De Carbon '898 is also inapplicable to applicants' claimed invention in that the two-way valve operating during both compression and rebound, does not teach or even suggest differential fluid flow rates for the compression and rebound strokes of the assembly. Indeed, De Carbon specifically teaches the desirability symmetrical braking valves on each side of the piston, with the necessity of a symmetrical operation of the shock-absorber in view of obtaining the optimum comfort. (De Carbon '898 Column 3, Lines 15-24). Thus, De Carbon's emphasis on the necessity and desirability symmetrical fluid flow to obtain optimum comfort actually teaches away from applicant's claimed invention.

As the Supreme Court has made clear, a patent composed of several elements is not proved obvious merely by demonstrating that each of its elements was, independently known in the prior art. *KSR International Co. v. Teleflex Inc.*, 127 S.Ct. 1727 (2007). In this case, Thornhill '160 and Bourcier De Carbon '898, alone or in combination with the AU '440 reference fail to show each element of applicant's claimed shock absorber assembly. Moreover, the references fail to teach or suggest the claimed shock absorber assembly according to independent claim 1 of Applicant's invention. Because independent Claim 1 is non-obvious over the references cited, dependent claims 2-20 are non-obvious as well. Accordingly, Applicant respectfully requests that the rejections under 35 U.S.C. §103 be withdrawn.

Applicant submits that upon entry of the above amendments to the claims, the application stands ready for allowance and requests timely issuance of the same.

Respectfully submitted,



Brendan E. Squire
Registration No. 48,749

Smith, Gambrell & Russell, LLP
Suite 3100, Promenade II
1230 Peachtree Street, N.E.
Atlanta, Georgia 30309-3592
Phone 404-815-3768
Fax 404-685-7068